

6687

G-000-900 .17

NATURAL RESOURCE TRUSTEE TELECONFERENCE

11/09/94

DOE-FN/FERMCO TRUSTEES
7
MINUTES

U. S. DEPARTMENT OF ENERGY
 FERNALD ENVIRONMENTAL MANAGEMENT PROJECT
 FERNALD, OHIO

FERMCO CONTRACT
 DE-AC05-92OR21972
 PAGE 1 OF 7

MEETING SUMMARY

SUBJECT: NATURAL RESOURCE TRUSTEE TELECONFERENCE
 MEETING DATE: October 26, 1994
 LOCATION: FERMCO Fernald Office
 ISSUE DATE: November 9, 1994 File Record Storage Copy 104.5

DISTRIBUTION: + Attendees ++ Part-time * Author of Notes

DOE-FN

+Pete Yerace

FERMCO

+Becky Bixby
 +John Homer
 *+Jennifer Mailander
 +Steve Oberjohn
 +Mike Strimbu
 *+Alicia Taylor
 Angie Weisgerber
 +Keith Wilkerson
 +Eric Woods

USFWS

Bill Kurey

DOI

+Don Henne

OEPA

+Tim Hull
 +Tom Schneider
 Larry Sirnek
 +Vanessa Steigerwald

USEPA

+Barbara Mazur

OAG

Jack Van Clay

MTC

+Steve Gibson

BROWN & ROOT

+Kathy Trapp

1.0 ACTION ITEMS

1.1 Approval of September 22, 1994 Teleconference Summary

- Trustees approved the Teleconference Summary without comment.

Action to be taken:

- Deliver copy of Teleconference Summary to Public Environmental Information Center (PEIC).

1.2 Natural Resources Management Plan (NRMP)

- Tom Schneider has received a copy of the Eglin Air Force Base NRMP. Tom recommends distributing copies to the other Trustees.

Action to be taken:

- Tom to distribute copy of example NRMP to Jennifer Mailander.

U. S. DEPARTMENT OF ENERGY
FERNALD ENVIRONMENTAL MANAGEMENT PROJECT
FERNALD, OHIO

FERMCO CONTRACT
DE-AC05-92OR21972
PAGE 2 OF 7

MEETING SUMMARY - Continued

- Jennifer Mailander will have copies made and distributed to the Trustees.

1.3 Signed Memorandum of Understanding (MOU) from Ohio EPA

- Vanessa Steigerwald forwarded a copy of a signed MOU from the State of Ohio. The MOU discusses the performance of a damage assessment.
- Don Henne suggested that we review copies of other DOE site MOUs. Savannah River Trustees have recently granted permission to distribute the MOU-type document they signed. This document is basically an agreement by the Trustees to work together. The Rocky Flats Trustees are very close to signing a MOU. They hope to sign the document before the election so that they will not have to start the process over with potentially new players. Rocky Flats has requested that we not distribute the MOU until after it is signed.

Action to be taken:

- Jennifer Mailander will distribute copies of the State of Ohio MOU to Trustees.
- Jennifer Mailander will distribute copies of the Savannah River MOU-type document to the Trustees.
- Don Henne will try to find a "DOI" MOU example for the Trustees.

1.4 Comments on Hanford Strategy Paper

- The Trustees have not had enough time to review the Hanford Strategy Paper.

Action to be taken:

- The Trustees will review the Hanford Strategy Paper and get comments to Jennifer Mailander before the next teleconference.

1.5 Status of Contact with ACOE and NOAA

- Jennifer Mailander has left calls with both ACOE and NOAA but was out of the office for most of last week. The NOAA contact was Linda Burlington. Don Henne explained that she is involved in more regulatory type issues, and volunteered to contact John Lindsey of NOAA to see if there is an interest in participating.

MEETING SUMMARY - Continued

Action to be taken:

- Don Henne will contact John Lindsey of NOAA.
- Jennifer Mailander will fax a copy of the letter to Don Henne that we had previously sent to Linda Burlington of NOAA.

2.0 Status of NRT Activities at Other DOE Sites

- Pete Yerace and Jennifer Mailander sit on a DOE NRDA Steering Committee. The Committee was created to offer guidance to the DOE facilities and promote consistency across the DOE complex in Natural Resource Trustee issues.

2.1 Rocky Flats

- Rock Flats Trustees will be signing a MOU soon. See discussion above at 1.3.

Action to be taken:

- See "Actions To Be Taken" under 1.3.

2.2 Savannah River

- Savannah River has granted permission to distribute their MOU-type document (See discussion above at 1.3). Savannah River is facing the challenge of keeping their Trustees actively involved. Monetary concerns for the Trustees are an issue at the site.

Action to be taken:

- See "Actions To Be Taken" under 1.3.

2.3 Oak Ridge and Paducah

- Oak Ridge, Paducah, and Portsmouth Trustee activities are all managed from the Oak Ridge site. Paducah and Oak Ridge Trustees have decided to conduct a preliminary assessment screen (PAS) for each of the sites. This is the first phase of a natural resource damage assessment (NRDA). Don Henne stated that he felt it was premature to conduct a PAS. It is possible that this will also be raised at the Portsmouth site as a potential action.

MEETING SUMMARY - Continued

Action to be taken:

- See "Actions To Be Taken" under 1.3.
- Don Henne is looking into the issue of mineral resources at the site and whether to consider this at Fernald.
- Don Henne will contact the appropriate people within DOI and brief the Trustees during the next teleconference regarding mineral rights.

3.0 Threatened and Endangered (T&E) Species Update

3.1 Completed Surveys

- Becky Bixby discussed the following T&E Species surveys completed at the FEMP site:

- Slender fingergrass
- Mountain bindweed
- Indiana bat

FERMCO will provide the Trustees with a combined report on the species surveys conducted for the Trustees to review. The Trustees can then determine if the report meets their needs.

- Don Henne asked if the surveys were based on the most recent T&E lists. Becky Bixby explained that the lists being used are about one year old and that she keeps in regular contact with Ohio Department of Natural Resources and Fish & Wildlife Service. Pete Yerace mentioned that the electro-fishing surveys conducted by the University of Cincinnati may provide a link between the T&E surveys. Becky Bixby agreed and explained that the Trustees had been briefed before on the electro-fishing surveys. The surveys had identified the Mooneye as a State of Ohio special status species.
- Pete Yerace agreed that periodic updates of the species surveys should be performed.

Actions to be taken:

- Becky Bixby will verify that the T&E lists we rely on are current and develop a method to maintain the "latest" lists.

MEETING SUMMARY - Continued

- FERMCO will draft a report on the species surveys conducted at the site. This should occur sometime in late December 1994 or early January 1995.

4.0 Ohio EPA Update on Discussions with Legal Counsel

4.1 Document Review and Miscellaneous Items

- Tom Schneider has met with Jack Van Clay from the Ohio Attorney General's Office. Each of the Trustees is continuing their discussions with their respective legal counsel. Tom had notified Jack of today's teleconference but was unable to get in touch with Jack. Jack Van Clay will participate in the future Trustee meetings and teleconferences.
- Regarding whether Ohio EPA would be reviewing documents as a trustee or regulator, Tom Schneider explained that Ohio EPA needed further discussions with Jack Van Clay before proceeding. It is probably too late for separate reviews to occur on RI/FS documents, but it still may be possible with RD and RA efforts.
- Regarding the inclusion of Section 10.7 (Irreversible and Irretrievable Commitment of Resources) in the Operable Unit 4 Record of Decision, Jack Van Clay has approved the inclusion of the section. Tom Schneider explained, however, that Jack did not feel DOE fully responded to the Ohio EPA comment. Don Henne stated that use of irreversible and irretrievable language provided a route to allow a project to move forward and not necessarily to have a Trustee influence. Jennifer Mailander added that impact avoidance and restoration is key.

Action to be taken:

- Jack Van Clay will be added to the Trustee distribution list and included in all future meetings and teleconferences.
- FERMCO will forward past trustee meeting summaries and mailings to Jack Van Clay.
- Further discussion between Ohio EPA and Jack Van Clay will need to occur.

U. S. DEPARTMENT OF ENERGY
FERNALD ENVIRONMENTAL MANAGEMENT PROJECT
FERNALD, OHIO

FERMCO CONTRACT
DE-AC05-92OR21972
PAGE 6 OF 7

MEETING SUMMARY - Continued

5.0 Administrivia

5.1 Next meeting

- The next teleconference will take place December 8, 1994 from 9:00 a.m. to 11:00 a.m.
- It was discussed that following the December 8, 1994 teleconference, an actual meeting should occur to discuss the contents of a MOU.

Action To Be Taken:

- FERMCO will arrange teleconference.

5.2 Agenda Items

- For proposed agenda items, see attached.

Action To Be Taken:

- FERMCO will distribute draft agenda to Trustees

U. S. DEPARTMENT OF ENERGY
FERNALD ENVIRONMENTAL MANAGEMENT PROJECT
FERNALD, OHIO

FERMCO CONTRACT
DE-AC05-92OR21972
PAGE 7 OF 7

MEETING SUMMARY - Continued

FERNALD SITE
NATURAL RESOURCE TRUSTEE
DRAFT TELECONFERENCE AGENDA

Thursday, December 8, 1994
9:00 a.m. to 11:00 a.m.

- 1.0 Action Items
 - 1.1 Approval of October 26, 1994 teleconference summary
 - 1.2 Review of Action Items from October 26, 1994 Teleconference
- 2.0 Trustee Objectives/Goals for an MOU
- 3.0 Trustee Comments on Hanford Strategy Paper
- 4.0 Mineral Rights
- 5.0 Ohio EPA Legal Counsel
- 6.0 Administrivia